

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

Jonah Zeiger,

Plaintiff(s),

v.

DePaul University,

Defendant(s),

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Case No: 17cv9004

Magistrate Judge: M. David Weisman

ORDER

The Court had ex parte communication with counsel for plaintiff and defendants on 6/14/18 related to settlement issues.

The Court further advises the parties as follows: The Court will apply the 10% rule during the settlement process. The rule operates as follows: During each negotiation round, the parties must collectively reduce the difference between the demand and offer by at least 10%. For example, if the plaintiff's opening demand were \$100,000, and defendant's opening offer is \$10,000. The difference between the demand and the offer is \$90,000. In the next round of negotiation, between the plaintiff's adjusted demand, and defendant's adjusted offer, the parties must collectively move at least \$9,000 (10% x \$90,000). Therefore, if plaintiff's demand in the next round of negotiation is \$90,000, the 10% rule has been satisfied as the overall movement between the two parties has met or exceeded \$9,000 (10% of the last round's difference).

Here is another example of the rule in operation:

Plaintiff Original Demand:	\$200,000
Defendant's Original Offer:	\$10,000
10% Rule Movement:	\$19,000 (\$190,000 x 10%)

Next Round:

Plaintiff's Revised Demand:	\$195,000
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Defendant must move up at least \$14,000 to satisfy the 10% rule (\$19,000 less \$5,000 (plaintiff's movement)).

If the parties have collectively not moved the required 10%, the Court will give each side an opportunity to adjust their respective positions in order to satisfy the 10% requirement. If the 10% rule cannot be satisfied by the parties' collective movements, the Court will terminate the settlement conference.

Date: June 14, 2018



M. David Weisman
United States Magistrate Judge